



Legislation Details (With Board Report)

File #: PAR 23-022 **Name:** Response to Referral No. 2022.17 (Verbal Report_Recounts)

Type: Preliminary Analysis Report **Status:** Received

File created: 8/11/2023 **In control:** Board of Supervisors

On agenda: 8/22/2023 **Final action:**

Title: a. Receive a verbal report update to Board Referral No. 2022.17 (referring Supervisor, Chris Lopez), which sought to have staff bring forward findings related to potential actions to facilitate the recount process; and
b. Provide further direction, as appropriate.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Board Referral No. 2022.17, 3. Completed Board Order Item No. 25

Date	Ver.	Action By	Action	Result
8/22/2023	1	Board of Supervisors		

a. Receive a verbal report update to Board Referral No. 2022.17 (referring Supervisor, Chris Lopez), which sought to have staff bring forward findings related to potential actions to facilitate the recount process; and
b. Provide further direction, as appropriate.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a verbal report update to Board Referral No. 2022.17 (referring Supervisor, Chris Lopez), which sought to have staff bring forward findings related to potential actions to facilitate the recount process; and
- b. Provide further direction, as appropriate.

SUMMARY/DISCUSSION:

Board Referral 2022.17 seeks to have the Elections Department analyze and implement recommendations to facilitate the recount process.

The County of Monterey is a general law county, as such, the Elections Department follows California Elections Code and the California Code of Regulations in determining the recount process and in estimating costs for a recount.

California Elections Code section 15620 (a) requires that a written request be filed with the elections official. Due to the potential number of variables involved in a recount, costs are estimated on a case-by-case basis. The initial estimation is based on information provided from the requester or the requester’s appointed representative after an official written request is provided specifying the nature of the recount. Actual costs are summed daily during the recount process and will vary from the estimation.

California Code of Regulations provide that “all actual costs of the recount that would not have been incurred but for the requestor’s particular recount request (*which*) shall be directly recoverable from the requestor and

may include, but are not limited to, additional supervision hours, security guard hours, the elections official's staff hours, space rental, transportation of ballots and materials and administrative costs." (CCR Title 2, Div.7, Chpt. 8, Art 1, 20815).

The Department follows legally required count and audit procedures that are open to observation and publicized on various platforms. This includes a 1% manual tally of batches of ballots. The results of the manual tally are compared to the voting system count of the same batch of ballots. This process is open to the public.

Historically, the Department has exercised flexibility in escalating the manual tally. This is the process where additional batches are added to the manual tally for contests of interest. The current practice affords campaigns, despite their margin, the opportunity to view and ask questions of the vote count process. Contests in smaller jurisdictions are sometimes completely tallied during this period.

Challenges: Current law and regulations related to recounts have not been updated to reflect contemporary voting systems and election administration practices. Further, in the early stages of research it was determined that a handful of obsolete guidance materials existed on websites of various counties.

Action Taken

October 2022:

Recount Guide posted on Monterey County Elections Website. In an effort to enhance transparency in the process to request a recount, the Department's website includes recount guidelines with examples of cost breakdowns, similar to counties that have such guidelines publicly available, and includes other potential costs that a requester may incur in preparing for the recount. The guidelines serve to facilitate the recount request and planning process.

Further, the Department has implemented additional outreach efforts regarding the manual tally and escalated manual tally processes to ensure all interested persons are aware that the Department has count and recount procedures in place that are publicly viewable. Additional communication will be included in future candidate seminars and guidelines.

December 2022:

Established Recount Subcommittee. Recognizing the need to update Elections Code and Regulations to reflect current voting systems and contemporary election practices and to establish and document uniform processes where applicable across counties, the Department officially requested a recount subcommittee be formed at the California Clerks and Election Officials Executive Board meeting. The request was granted, the Monterey County Registrar of Voters was appointed chairperson of that committee, and meetings began in January 2023.

The recount subcommittee drafted and submitted proposed revisions to recount regulations to the California Secretary of State. These regulations are now in the second stage of public review and are on track to be implemented in time for the 2024 election cycle.

Concluded a review of the possibility of implementing automatic recounts. The County of Monterey is a general law county and the provisions under California Elections Code sections 15600-15649 specify the conditions under which a Board of Supervisors may order a recount and the process for said recount. In this case, an automatic recount would not be permissible under current law.

Action Pending

The recount subcommittee is in the process of proposing legislative changes related to voter-requested recounts. These changes are pending with the CACEO legislative committee. Any changes in law will require additional revisions to regulations.

The subcommittee is in the process of collecting and analyzing costs and estimates for recounts requested and conducted using contemporary figures.

The subcommittee is in the process of creating a best practices guide reflecting current California Elections Code, Regulations and voting system use procedures.

OTHER AGENCY INVOLVEMENT:

Significant work was done within the California Association of Clerks and Election Officials. County Counsel reviewed and approved the recommendation.

FINANCING:

There will be no impact to the General Fund from this action.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This item is in line with the Board's vision for providing efficient service and cost neutral administration.

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Attachments:

Board Report

Board Referral No. 2022.17